IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.764 OF 1998

M/s.Vikas Textile ...Plaintiff

Versus

M/s.Shanti Textiles & Anr. ...Defendants

Smt S.M.Poddar i/by Shri M.L.Bansal for the Plaintiff.

CORAM : ABHAY S.OKA, J.
DATED : JULY 04, 2007.

P.C.:

1. Heard learned counsel appearing for the Plaintiff. The learned counsel appearing for the Plaintiff has tendered on record a list of original documents. The list is taken on record and marked "X" for identification.

2. The case made out in the plaint is that on 21st February, 1996 under the two invoices the Plaintiff sold and delivered certain goods to the Defendants worth Rs.37,967/-. According to the case of the Plaintiffs, the statement of accounts of the Defendants was forwarded by the Plaintiffs to the Defendants. After due verification, the Defendants acknowledged the receipt of the said statement of accounts without raising any dispute. The Plaintiffs issued a notice of demand dated 11th December, 1996. Though the notice was

served to the Defendants, the same was not replied. I have perused the original documents tendered by the counsel for the Plaintiffs.

3. This is a fit case for passing the decree under Rule 10 of Order VIII of the Code of Civil Procedure, 1908. However, interest will have to be allowed at the rate of 18 per cent per annum instead of 24 per cent per annum. Hence, there will be a decree in terms of prayer made in paragraph No.10 of the plaint with modification that the rate of interest will be 18 per cent per annum instead of 24 per cent per annum on the sum of Rs.37,967.00/- from the date of the suit till realisation.

JUDGE